

REMARKS

Upon entry of this amendment, claims 9-20 are pending in the application. Applicant has carefully reviewed the Office Action dated September 6, 2006, canceled claims 1-8 and added new claims 9-20 to more clearly point out the inventive concept. Several informalities in the specification are also corrected with this amendment.

Claims 1-8 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1-8 were also rejected as anticipated Ohki et al., U.S. Patent No. 5,592,639 (“Ohki”). Applicant has canceled claims 1-8 and added new claims 9-20. Applicant respectfully submits the new claims 9-20 are directed to statutory subject matter and are allowable over Ohki for the reasons set forth below.

Ohki is directed to a method of handling electronic money for carrying out transactions such as depositing, drawing, cash exchanging and transfers using a card holding electronic money in an automatic cash handling machine or an automatic cash transaction machine (col. 1, lines 7-12). The cited portions of the Ohki reference describe an automated teller machine 14 having a touch panel 146 that displays menus and/or buttons enabling the user to enter information and select from different transactions. (col. 5, lines 21-36, col. 8, lines 9- col. 9, line 64). Ohki does not, however, disclose the presently claimed method.

New independent claim 9 is directed to a computer implemented method for formatting an electronic transaction message to conduct a financial transaction in a system including a plurality of different user devices communicating with a transaction server system over a network to conduct different types of financial transactions. As noted in the specification, these transactions can involve numerous different types of payment, different payment mediums, different goods and services and a variety of different vendors (Specification, ¶0303). A conventional transmission format including data fields for all of the possible parameters involved in each of these different types of transactions would result in unacceptably large and cumbersome messages (*Id.*).

The method of claim 9 addresses this issue by identifying the transaction type and selecting predetermined data fields required to conduct the transaction from a plurality of predetermined data fields. According to the method, a data format that includes the data fields required to complete the transaction is determined. Predetermined data fields not required to conduct the transaction are omitted from the message. The message includes two segments, a first segment having a format that includes a data field for a code identifying the user device and the format selected for the second message segment. The second message segment includes those predetermined data fields necessary to conduct the transaction while omitting those data fields relating to other types of transactions conducted on the network. In this manner, the size of the electronic transaction messages between the user device and the transaction server is kept at a nominal level while simultaneously accommodating a large number of different possible parameters associated with the variety of possible user devices and transactions conducted.

Ohki recognizes neither the problem nor the method of alleviating the problem as presently claimed. In the Office Action, the examiner construed the term “message segment” as encompassing menus displayed on the touch screen of an ATM as disclosed in Ohki. However, new claim 9 is directed to formatting an electronic transaction message sent between a user device and a transaction server system in a network. The method of claim 9, directed to a computer-implemented method of formatting an inter-machine electronic message cannot reasonably be construed as encompassing menus displayed on a touch screen. Therefore, it is submitted that Ohki does not anticipate the method of claim 9.

New independent claim 11 is directed to a method of conducting a transaction with a system including a plurality of different user devices that communicate with one or more transaction servers via electronic transaction messages. Claim 11 specifies determining a data format for an electronic transaction message between one of the user devices and a transaction server, the transaction message including at least first and second message segments in which the format of a second message format includes data fields for information specific to the type of financial transaction and omits data fields for information relating to the other types of financial transactions. The cited portions of Ohki deal with menus displayed on the touch screen of an ATM and the interaction of the user with the touch screen. Hence, Ohki does not teach or

suggest the combination of steps recited in claim 11. Claim 11 along with dependent claims 12-15 are therefore submitted to be allowable over Ohki for essentially the same reasons set forth in connection with claim 9.

Independent claim 16 is directed to a system for conducting a variety of different financial transactions wherein a transaction message is stored on a transaction server including a computer readable storage device. The message stored on the device includes a first segment having a fixed data field that stores data identifying the specific user device. A second message segment has a variable format of data fields selected from a plurality of predetermined data fields for different financial transactions such that the segment includes the data fields for information required to transact a selected one of a plurality of different financial transactions conducted using the system and omitting the predetermined data fields not required for the transaction. As in the case of claims 9 and 11, Ohki does not teach or suggest such a transaction message stored on a computer readable device. Consequently Ohki cannot anticipate claim 16 or dependent claims 17-20.

Applicant submits that the §101 rejection is moot with the cancellation of claim 1-8. Method claims 9 and 11 each recite a process that results in a useful, concrete and tangible result and accordingly, are directed to statutory subject matter. (See, Interim Guidelines, Annex II, (B) (ii)). Claim 16 is directed to a system including a computer readable data storage device with a transaction message received from a user device stored thereon and is likewise directed to statutory subject matter. (See, Interim Guidelines, Annex IV - computer-readable medium encoded with a data structure defin[ing] structural and functional interrelationships between the data structure and the computer software and hardware componentsis thus statutory).

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the currently pending claims. Please charge any additional fees or deficiencies in fees or credit any

overpayment to Deposit Account No. 20-0780/EFTD-25790 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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